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ALTA BATES SUMMIT MEDICAL CENTER

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

COYNESS L. ENNIX, JR., M.D.

Plaintiff,

v.

ALTA BATES SUMMIT MEDICAL CENTER,

Defendants.

Case No.: C 07-2486 WHA (JCS)

**JOINT STIPULATION AND  
~~PROPOSED~~ ORDER TO ENLARGE  
TIME FOR DISCLOSURE OF EXPERT  
REPORTS OF 1) CARDIAC SURGEON  
EXPERTS AND 2) STATISTICIAN  
EXPERTS**

Date: None  
Time: None  
Dept: Ctrm. 9, 19<sup>TH</sup> Floor

Trial Date: June 2, 2008  
Judge: Hon. William H. Alsup

JOINT STIPULATION AND ~~PROPOSED~~ ORDER RE:

DISCLOSURE OF EXPERT REPORTS

C 07-2486 WHA (JCS)

1 IT IS HEREBY STIPULATED between Plaintiff Coyness L. Ennix, Jr., M.D. by and  
2 through his attorneys of record, Moscone, Emblidge & Quadra, LLP and Defendant Alta Bates  
3 Summit Medical Center and through their counsel of record, Kauff, McClain & McGuire, LLP  
4 that the last day for disclosure of full expert reports under FRCP 26(a)(2) ("opening reports") as  
5 to cardiac surgeon and statistics experts by either party shall be enlarged from January 25, 2008,  
6 to February 8, 2008.

7 IT IS FURTHER STIPULATED as to the expert reports subject to this stipulation, that  
8 the day the other parties may disclose responsive expert testimony with full expert reports  
9 responsive to opening reports ("opposition reports") shall be enlarged from February 8, 2008, to  
10 February 22, 2008.

11 IT IS FURTHER STIPULATED as to the expert reports subject to this stipulation, that  
12 the day the opening parties may disclose any reply reports as described in ¶6 of the Case  
13 Management Order filed in this matter on August 16, 2007 be enlarged from February 15, 2008,  
14 to February 29, 2008.

15 IT IS FURTHER STIPULATED as to the expert reports subject to this stipulation, that  
16 the cutoff for expert discovery shall be enlarged from February 29, 2008, to March 7, 2008.

17 IT IS FURTHER STIPULATED as to the expert reports subject to this stipulation, that  
18 the deadline to file any Motion to Compel expert discovery be enlarged from March 7, 2008, to  
19 March 14, 2008.

20 Defendant's position is that this extension is not necessary. Defendant specifically denies  
21 Plaintiff's characterization of the discovery dispute and the Court's January 15, 2008, Order  
22 Granting in Part and Denying in Part Motion to Compel Medical Peer Review Information.  
23 Defendant, however, is willing to cooperate in good faith with Plaintiff's efforts to obtain an  
24 extension, as described herein, provided that any enlargement of time applies to Plaintiff's and to  
25 Defendant's expert reporting obligations on fairness grounds.

26 Plaintiff's position is that the stipulation is supported by good cause as described in the  
27 accompanying declaration of Andrew E. Sweet.

IT IS SO STIPULATED:

DATED: January 17, 2008

Moscone, Emblidge & Quadra, LLP

By /s/

Andrew E. Sweet  
Attorneys for Plaintiff  
COYNESS L. ENNIX, JR., M.D.

DATED: January 17, 2008

Kauff, McClain & McGuire, LLP

By /s/

Matthew Vandall  
Attorneys for Defendant, ALTA  
BATES SUMMIT MEDICAL  
CENTER

PURSUANT TO STIPULATION, IT IS SO ORDERED:

DATED: January 25, 2008

  
WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE

The deadline for dispositive motions  
shall not change.